

# HOUSE BILL REPORT

## ESHB 1922

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### As Amended by the Senate

**Title:** An act relating to requiring certain vehicles to stop at a weigh station for inspection and weight measurement.

**Brief Description:** Requiring certain vehicles to stop at a port of entry upon entering the state.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Shea, Taylor and McCune).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/23/11, 2/24/11 [DPS].

##### **Floor Activity:**

Passed House: 3/5/11, 98-0.

Senate Amended.

Passed Senate: 4/7/11, 49-0.

#### **Brief Summary of Engrossed Substitute Bill**

- Requires commercial vehicles with a gross vehicle weight of 40,000 pounds or more and transporting cattle to stop at a Port of Entry.
- Establishes criteria to identify counties that the law would apply to.
- Establishes a penalty of \$1,000 for failure to comply, with the fines being deposited into the Motor Vehicle Fund for road maintenance.
- Requires the Washington State Patrol to issue notification of the new requirements.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Eddy, Finn, Fitzgibbon, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Moscoso, Overstreet, Reykdal, Rivers, Rolfes, Ryu, Shea, Takko, Upthegrove and Zeiger.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jerry Long (786-7306).

**Background:**

The Washington State Patrol (WSP) operates the Washington weigh stations and have Port of Entry stations at Kennewick, Spokane, Ridgefield, and Bow Hill. These weigh stations use weigh-in-motion scales and transponder readers to electronically screen trucks as the truck approaches the weigh station. If the checks are satisfactory, the truck is cleared to bypass the weigh station, but if unsatisfactory, the truck is required to stop at the weigh station. The WSP also operates interior scales that are staffed on a random or as necessary schedule.

The Director of the Department of Agriculture (Director) may establish points of inspection for vehicles transporting animals on the public roads of this state to determine if the animals being transported are accompanied by valid health certificates, permits, or other documents. Vehicles transporting animals on the public roads of this state are subject to inspection and must stop at any posted inspection point established by the Director, with emphasis on livestock being brought in from outside the state. The Director or appointed officers are authorized to stop a vehicle transporting animals upon the public roads of this state at a place other than an inspection point if there is reasonable cause to believe the animals are being transported in violation of state laws.

**Summary of Engrossed Substitute Bill:**

The bill requires commercial vehicles with a gross vehicle weight rating of 40,000 pounds or more and transporting cattle to stop at a Port of Entry. This requirement does not apply to the operator of a vehicle in possession of a pasture permit or cattle consigned to a public auction or sales yard. The bill clarifies that motor vehicles must follow the existing rules and regulations that apply to weigh stations or a Port of Entry when open.

The requirements and penalties apply only in counties located east of the Cascade mountains with a population of at least 450,000 and an adjacent county with a population of at least 13,000 but less than 15,000. Based on the criteria, the requirements and penalties would presently apply to Spokane and Pend Oreille counties.

The bill establishes a penalty for failure to comply of \$1,000 and all of the fines collected must be deposited into the Motor Vehicle Fund. The funds must be used for road maintenance purposes in the counties where the penalties are collected.

The WSP must provide a one-time written notification of the requirements of this section to affected carriers known to have previously entered the State of Washington in the counties identified. The notification requirement is not a defense for a driver from enforcement action if found in violation. The notification must be provided prior to August 1, 2011.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment allows the fines that are collected for vehicles carrying cattle that fail to stop at weigh stations to be placed in the Motor Vehicle Account and can be used for road maintenance in any county instead of just the county in which the fines were collected.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Trucks hauling cattle, primarily from Canada, have been avoiding the state's weigh stations and Port of Entry by using city and county roads. This has created truck traffic on roads that were not designed to handle these trucks, which weigh over 100,000 pounds. This condition has created a deterioration of roadways and safety concerns. The trucks going back to Canada use Highway 90 and the heavy-haul corridor when the trucks are empty, but not when the trucks are hauling cattle into Washington. The route that these trucks are taking to avoid the weigh stations and Port of Entry adds over 20 minutes travel time to their trip. On one road, trucks hauling cattle to avoid the weigh stations have had up to 16 trucks per hour.

When many of these trucks have been stopped by law enforcement, it has been found that the driver has driven over the number of hours allowed by the federal trucking regulations for a shift. These roads were not designed for these trucks and when the trucks are making corners, the trucks go into the other lane due to the width of the roadways. This bill will slow down road deterioration and improve safety on the city and county roads. This is a state issue and commercial vehicles need to go through the appropriate weigh stations and Port of Entry.

This will give law enforcement and the communities a tool that can be used to regulate these trucks. This bill has been developed working with the stakeholders.

(Comments) The WSP is in support of this legislation and, based on the changes in the bill, the agency's fiscal note should be close to zero.

(Opposed) This program at the Department of Agriculture has very few staff. The staff that work in this area are limited commission enforcement officers. Based on the original bill and with the existing limited resources, it would take additional staff to do the inspections.

**Persons Testifying:** (In support) Representative Shea, prime sponsor; Todd Kelsey and Heather Hansen, Cattle Producers of Washington; Taj Wilkerson, Liberty Lane Police Department; Briahna Taylor, City of Spokane Valley; Lucinda Marshall, Roots Community Group; and Jack Field, Washington Cattlemen's Association.

(Comments) Jason Berry, Washington State Patrol.

(Opposed) Mary Toohey, Washington State Department of Agriculture.

**Persons Signed In To Testify But Not Testifying:** None.